

REMARKS

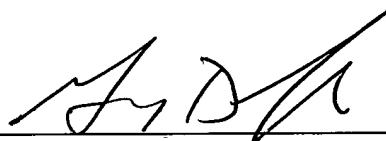
Claims 26-36 are currently pending in the application. The only rejection in the November 2, 2004 Office action was a nonstatutory double patenting rejection based on U.S. Patent No. 6,789,938 ("the '938 patent"). The subject application and the '938 patent are commonly owned by ConAgra Grocery Products Company. The Applicants submit herewith a Terminal Disclaimer disclaiming the terminal part of any patent granted on the subject application that would extend beyond the '938 patent. Accordingly, the Applicants respectfully request that the nonstatutory double patenting rejection be withdrawn. The Applicants respectfully submit that the application is in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

BINGHAM McCUTCHEN, LLP

Dated: November 16, 2004

By: _____



Gary D. Lueck
Reg. No. 50,791
Attorneys for Applicants

Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067
Telephone: (213) 680-6400
Facsimile: (213) 680-6499